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In re Application of
Jeffrey R. Sampson
Application No. 09/358,141
Filed: 20 July, 1999
Attorney Docket No. 10990393-1

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ON PETITION

This is a decision on the petition under 37 CFR 1.137(b)¹, filed on 19 May, 2000, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 18 October, 1999, for failure to timely respond to the Notice To File Missing Parts of Application, mailed on 17 August, 1999, which set a two (2)-month period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. The filing of the present

¹ Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

petition precedes the mailing of Notice of Abandonment.

As an executed oath or declaration was not filed with the application papers on 20 July, 1999, a surcharge of \$130.00 for its late filing is required.² As authorized in the present petition, counsel's deposit account, No. 03-1721, will be charged the \$130.00 late filing surcharge.

It is noted that the address in Office records for Customer No. 022878 is different than the address listed on the declaration filed on 19 May, 2000. The address listed in Office records, however, will be used as the correspondence address for this application. If the correspondence address for the Customer Number listed above has changed, petitioner must inform the Office. Form PTO/SB/124, Request for Customer Number Data Change, is enclosed for petitioner's convenience.

The address listed on the petition filed on 19 May, 2000, is different than the correspondence address of record. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The Associate Power of Attorney filed on 23 May, 2000, is accepted. It is noted that the correspondence address listed on the Associate Power of Attorney is different than the address in Office records for Customer No. 022878. As it is unclear which address petitioner intends to be the correspondence address of record, a courtesy copy of this decision is being mailed to the address listed on the Associate Power of Attorney. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the current address for Customer No. 022878.

This application will be forwarded to the Office of Initial Patent Examination for further processing.

²37 CFR 1.16(e).

Telephone inquiries concerning this matter may be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.



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Encl: Form PTO/SB/124

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